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**CONFIDENTIAL AND PRIVILEGED  
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TO: U.S. Patent and Trademark Office  
Examiner: CARLOS N. LOPEZ Group: 1731  
Fax # 703-305-7718

FROM: James E. Cole, Reg. No. 50,530

DATE: October 25, 2002

PAGES: 14 in total (including cover sheet)

RE: U.S. Patent Application No. 09/646,811

Remarks: This facsimile is in response to the Restriction Requirement mailed on September 26, 2002.

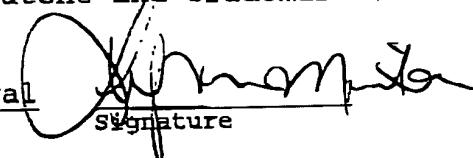
Enclosed is:

- (1) Transmittal Form;
- (2) Amendment B;
- (3) Fee Transmittal Form;
- (4) Credit Card Payment Form (PTO-2038).

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

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Signature

10/25/02  
Date

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

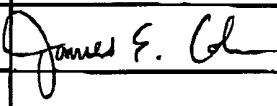
Total Number of Pages in This Submission

Application Number	09/646,811
Filing Date	01/05/2001
First Named Inventor	TRINKIES
Group Art Unit	1731
Examiner Name	LOPEZ
Attorney Docket Number	BATG-5

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>FACSIMILE TRANSMITTAL FORM</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<b>FAX RECEIVED</b>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	OCT 28 2002
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<b>Remarks</b>	GROUP 1700
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

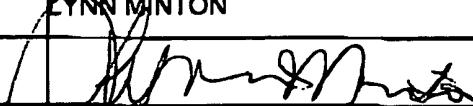
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	JAMES E. COLE, REG. NO. 50,530
Signature	
Date	10/25/2002

CERTIFICATE OF MAILING ~~FACSIMILE TRANSMISSION~~

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage or first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

10/25/2002

Typed or printed name	LYNN MINTON
Signature	
Date	10/25/2002

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# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 162.00)

## Complete if Known

Application Number	09/646,811
Filing Date	01/05/2001
First Named Inventor	TRINKIES
Examiner Name	LOPEZ
Art Unit	1731
Attorney Docket No.	BATG-5

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

 Deposit Account

Deposit Account Number	
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
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 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 740	2001 370	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 510	2003 255	Plant filing fee	
1004 740	2004 370	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)		0	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
33	-20** = (13)	x 18	= 162.00
Independent Claims			
Multiple Dependent			

Large Entity	Small Entity	*4 CLAIMS ALREADY PAID FOR
Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissues independent claims over original patent
1205 18	2205 9	** Reissues claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		162.00

\*\*or number previously paid, if greater. For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 400	2252 200	Extension for reply within second month	
1253 920	2253 460	Extension for reply within third month	
1254 1,440	2254 720	Extension for reply within fourth month	
1255 1,960	2255 980	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,280	2453 840	Petition to revive - unintentional	
1501 1,280	2501 640	Utility issue fee (or reissue)	
1502 480	2502 230	Design issue fee	
Q503 620	2503 310	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 740	2809 370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 740	2810 370	For each additional invention to be examined (37 CFR 1.129(b))	
1801 740	2801 370	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			

\*Reduced by Basic Filing Fee Paid

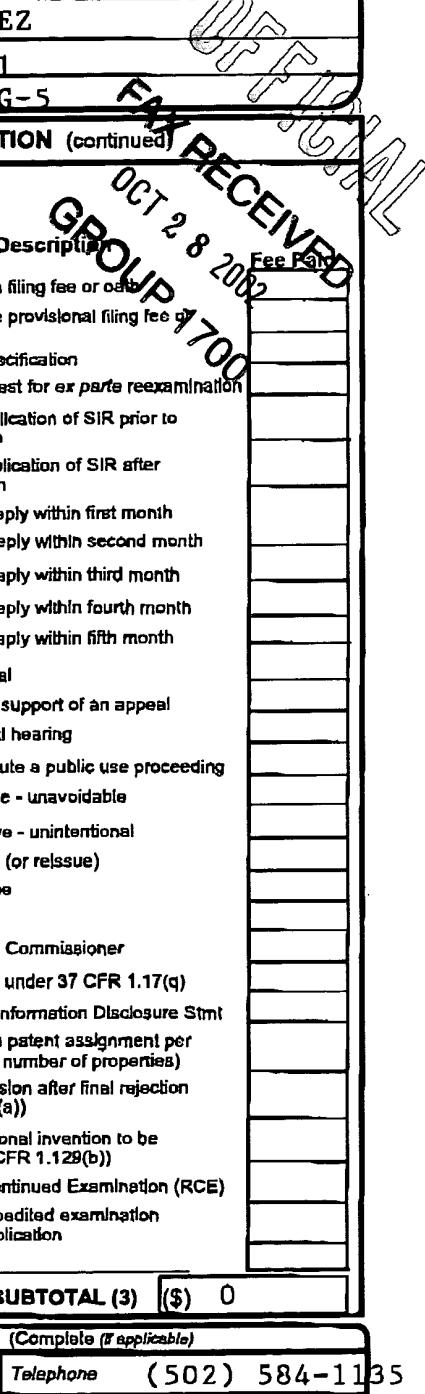
SUBTOTAL (3) (\$ 0)

(Complete if applicable)			
Name (Print/Type)	JAMES E. COLE	Registration No. (Attorney/Agent)	50,530
Signature	Date 10-25-2002		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Washington, D.C., United States of America

In re Application

of: TRINKIES et al.

Serial No.: 09/646811

Filed: 01/05/2001

For: A Do-It Yourself Cigarette Maker and  
Component Assemblies

Group Art Unit: 1731

Examiner: C. Lopez

OFFICIAL  
FAX RECEIVED  
OCT 28 2002  
GROUP 1700

Response to Restriction Requirement

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the restriction requirement mailed September 26<sup>th</sup>, 2002, please amend the application as follows:

AMENDMENT "B" UNDER RULE 121

In the claims:

Applicant's Attorney elects Claims 10-15 cited as Group B, without traverse.

Please cancel claims 1-9 and 16-24 without prejudice and add claims 26-52 directed toward the elected species.

B1 Claim 10. (Twice Amended) A do-it-yourself cigarette maker including a tobacco rod shaping mechanism, comprising:

10/30/2002 KUBLER - 0886807.096444 shaped tobacco material infeed section;  
01 FC:1202 162.00 OP